

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**SHAUNTAY L. HENDERSON**

**APPELLANT,**

**v.  
STATE OF MISSOURI**

**RESPONDENT.**

---

DOCKET NUMBER WD74982

DATE: April 30, 2013

---

Appeal From:

Jackson County Circuit Court  
The Honorable Robert M. Schieber, Judge

---

Appellate Judges:

Division Three: Joseph M. Ellis, Presiding Judge, Lisa White Hardwick, Judge and Cynthia L. Martin, Judge

---

Attorneys:

Rosemary E. Percival, Kansas City, MO, for appellant.

Mary H. Moore, Jefferson City, MO, for respondent.

---

**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**SHAUNTAY L. HENDERSON,**

**APPELLANT,**

**v.**

**STATE OF MISSOURI,**

**RESPONDENT.**

No. WD74982

Jackson County

Before Division Three: Joseph M. Ellis, Presiding Judge, Lisa White Hardwick, Judge and Cynthia L. Martin, Judge

Shauntay Henderson appeals from the motion court's denial of her Rule 29.15 motion after an evidentiary hearing. Henderson contends that the motion court erred in denying her motion because she received ineffective assistance of counsel to her prejudice in that trial counsel failed to investigate and call a witness at trial who would have supported her claim of self-defense, and that as a result, the confidence in her convictions of voluntary manslaughter and armed criminal action is undermined.

**Affirmed.**

Division Three holds:

Henderson failed to meet her burden to establish that her trial counsel was ineffective for failing to call the witness at trial. In light of the trial court's belief that Henderson failed to pursue available avenues of retreat, even had the witness testified at trial that Henderson was cornered when she started firing shots at the victim, the witness's testimony would not have produced a viable defense. Moreover, the motion court believed trial counsel's testimony that the decision not to call the witness was based on sound trial strategy. Henderson concedes that trial counsel discussed this decision with her prior to trial.

Henderson also failed to meet her burden of establishing prejudice. It is evident that the witness's testimony at trial would not have had any bearing on the outcome of Henderson's trial.

Opinion by Cynthia L. Martin, Judge

April 30, 2013

\*\*\*\*\*

This summary is UNOFFICIAL and should not be quoted or cited.
---

